

## UNITED STATES DISTRICT COURT

for the

Western District of Texas**FILED**

June 30, 2022

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXASBY: Jackson

DEPUTY

United States of America

v.

Filogonio MARTINEZ-Gutierrez  
XXX XXX 116

Case No. SA:22-MJ-00987

Defendant(s)**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 29, 2022 in the county of Guadalupe in the  
Western District of Texas, the defendant(s) violated:*Code Section**Offense Description*

8 U.S.C. § 1326(a) &amp; (b)(1)

Illegal Reentry

Penalties: 10 years confinement, \$250,000 Fine or Both;

3 years supervised release, \$100 mandatory special assessment.

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT

☒ Continued on the attached sheet.**RUBEN J RIOS**Digitally signed by RUBEN J RIOS  
Date: 2022.06.30 08:34:33 -05'00'*Complainant's signature*

Ruben J. Rios, Deportation Officer

*Printed name and title*☐ Sworn to before me and signed in my presence.☒ Sworn to telephonically and signed electronically.Date: June 30, 2022City and state: San Antonio, Texas*Judge's signature*

Elizabeth S. Chestney, U.S. Magistrate Judge

*Printed name and title*

Being duly sworn, I declare that the following is true and correct to the best of my knowledge:

My name is Ruben J. Rios, and I am a Deportation Officer with Immigration and Customs Enforcement ("ICE")/Enforcement Removal Operations ("ERO"), with whom I have been employed since October 15, 2007. I am authorized by the United States Department of Homeland Security to enforce the Immigration Laws and Regulations of the United States, or any other Laws or Regulations designated by the Attorney General or his successor, the Secretary of the Department of Homeland Security.

On June 29, 2022, MARTINEZ-Gutierrez, Filogonio (hereafter "MARTINEZ"), was encountered at the Guadalupe County Jail in Seguin, Texas, which is located within the Western District of Texas, after his arrest for "Possession of Controlled Substance". ICE/ERO officers conducted immigration history and criminal history inquiries and determined MARTINEZ to be an alien illegally present within the United States and who had been previously removed from the United States. An immigration detainer was lodged against MARTINEZ. On June 30, 2022, MARTINEZ was released from the Guadalupe County Jail and turned over to the custody of ICE/ERO. MARTINEZ was subsequently transported to the ICE/ERO San Antonio office for processing.

At the ICE/ERO office, MARTINEZ's fingerprints were enrolled and submitted through immigration and FBI databases, which verified his identity. The databases revealed that MARTINEZ is a citizen or national of Mexico with assigned Alien Registration Number A-XXX-XXX-116. A review of A-XXX-XXX-116 in the Enforce Alien Removal Module ("EARM"), a Department of Homeland Security database, revealed that MARTINEZ is an alien who was initially removed from the United States to Mexico on or about September 30, 2007. Records checks showed that on July 16, 2014, MARTINEZ was convicted in the United States District Court, Western District of Texas, San Antonio Division, for 8 USC 1326-Illegal Re-entry and sentenced to 63 days confinement. MARTINEZ's last removal to Mexico was on or about March 5, 2015. Immigration databases revealed that MARTINEZ has not been granted permission to reapply for admission from the Attorney General of the United States, or his successor, after his removal.

On June 30, 2022, the defendant was informed of his right to a consular notification and was provided an opportunity to call the Consulate General of Mexico upon his arrest. On June 30, 2022, the Consulate General of Mexico was notified of MARTINEZ's arrest. An immigration detainer will also be filed with the U.S. Marshals Service on June 30, 2022.

Based upon the information set forth above, there is probable cause to believe that MARTINEZ has illegally re-entered the United States in violation of 8 U.S.C. § 1326(a)&(b)(1).

RUBEN J  
RIOS

Digitally signed by  
RUBEN J RIOS  
Date: 2022.06.30  
08:33:44 -05'00'

Ruben J. Rios  
Deportation Officer  
Immigration and Customs Enforcement

Subscribed and sworn before me the 30th day of June 2022.

  
ELIZABETH S. CHESTNEY  
UNITED STATES MAGISTRATE JUDGE